

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 03/09/2023

-----X
THE INNOCENCE PROJECT, INC.,

Plaintiff,

-v-

NATIONAL MUSEUM OF HEALTH AND
MEDICINE, et al,

Defendants.
-----X

19-cv-01574 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

On February 17, 2023, Plaintiff filed an unopposed motion for an order unsealing all of the filings that were previously made under seal in this case and directing the Clerk to place all previously sealed filings on the public docket. Dkt. No. 95. Many of these filings were made under seal, in full or in part, in order to protect the identities of the author and subject of a report subject to a Privacy Act Order and Protective Order (“Protective Order”). *Id.* at 1. However, after these filings were made, the Court granted an order to lift the Protective Order as to the report in full and the report is now public. *Id.* Plaintiff thus states that there is “no longer any interest in protecting the confidentiality of the author and subject of the report or its detailed contents” and the filings previously made under seal should be unsealed. *Id.*

This Court grants Plaintiff’s request. The documents filed under seal in this case are subject to the common law right of access as they were “relevant to the performance of the judicial functions and useful in the judicial process.” *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006) (citation omitted). They were submitted to the Court to determine whether the Privacy Act governed materials from the archive maintained at the National Museum of Health and Medicine and, if so, whether the Court should nevertheless order

disclosure of the report under the provision of that statute that authorizes disclosure pursuant to court order. ECF No. 88; 5 U.S.C. § 552a(b)(11). These documents were also used to determine Plaintiff's substantive legal rights to the report and so a strong presumption of access attaches. *Lugosch*, 435 F.3d at 119. There are also no higher values that counsel against disclosure, as the report is now public and so any countervailing interests favoring privacy are minimal.

The Clerk of Court is respectfully directed to place all previously sealed filings in this case on the public docket.

SO ORDERED.

Dated: March 9, 2023
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge